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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BURKART

Serial No.: 10/828,937

Filed: April 20, 2004

Confirmation No.: 5101

Atty. File No.: 50011-00006

For: "FENCE POST ACCESSORY
APPARATUS"

) Group Art Unit: 3679

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) Examiner: Not Yet Assigned

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) **FIRST PRELIMINARY AMENDMENT**

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<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON September 28, 2004.</p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOBLE LLP</p> <p>BY: <i>Bobbie D. Simon</i> Bobbie D. Simon</p>
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Prior to the initial review of the above-identified patent application by the Examiner, please enter the following Preliminary Amendment. Although Applicant does not believe that any fees are due based upon the filing of this Preliminary Amendment, please charge any such fees to Deposit Account No. 50-1419.

Please amend the above-identified patent application as follows: